

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-11 are pending in the application, with 1, 4, 5 and 10 being the independent claims. Claims 1 and 4 have been amended. These changes introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Claims

The Examiner has objected to claims 6 and 11, contending that the Specification teaches that an MPEG packet has already been mapped into the DOCIS packet by the CMTS. The Examiner believes that claims 6 and 11 are the reverse of what is actually being performed by the claimed system.

Claims 6 and 11 do not address mapping an MPEG packet into a DOCIS packet. On the contrary, these claims address the adding of a DOCIS packet into a stream of MPEG packets. This is supported in paragraph 0057, pg. 15 of the Specification. The Applicants therefore believe that no correction to these claims is required.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claim 1, arguing that this claim is anticipated by U.S. Patent No. 6,226,771 ("Hilla"). This reference, however, fails to disclose physical layer prepend data, and also fails to disclose the receiving of physical layer prepend data. As

described in the Specification (pg. 36, para 0010), physical layer prepend data includes physical characteristics of a DOCSIS frame. Such physical characteristics include indications of burst power, burst frequency, time offset, and equalizer coefficients. For clarification purposes, these features of physical layer prepend data have been incorporated into step (b) of claim 1.

Moreover, Hilla fails to disclose the step of appending a packet tag that is based on the physical layer prepend data and on an upstream packet header. The Examiner argues that the frame type field 118 shown in Figure 1 of Hilla corresponds to a packet tag. The claimed packet header of the present invention, however, is based on the physical layer prepend data and on an upstream packet header. Field 118 of Figure 1 of Hilla, however, only discloses the type of frame that is being input to a switch. Hilla's field 118 does not, therefore, represent a packet header. Consequently, Hilla does not disclose the appending of a packet header that is based on the physical layer prepend data and on an upstream packet header. For the above reasons, Hilla fails to disclose all features of claim 1, and therefore fails to anticipate this claim.

The Examiner further argues that claims 2 and 3 are anticipated by Hilla. The rejection of these two claims is premised on the Examiner's contention that claim 1 is anticipated by Hilla. As discussed above, this reference does not disclose all features of claim 1. Because claims 2 and 3 depend from claim 1, these claims necessarily include all features of claim 1. Hilla therefore fails to disclose all features of claims 2 and 3. These claims are therefore not anticipated by Hilla.

The Examiner argues that claim 4 is anticipated by U.S. Patent No. 5,742,604 ("Edsall"). Edsall, however, fails to disclose a physical layer interface for receiving an

upstream packet and physical layer prepend data. As discussed above, physical layer prepend data includes information relating to burst power, as well as burst frequency, time offset, and equalizer coefficients. These features of physical layer prepend data have been incorporated into claim 4. Because Edsall does not disclose a physical layer interface for receiving an upstream packet and physical layer prepend data, as specified in amended claim 4, Edsall does not anticipate this claim.

Other Matters

The Examiner has allowed claims 5 and 7-10. Applicants thank the Examiner for his consideration of these claims.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Edward W. Yee
Attorney for Applicants
Registration No. 47,294

Date: MAR. 22, 2006

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

481861_1.DOC